

## **Stormwater Stakeholders Meeting**

### **Meeting Summary (May 14, 2003)**

#### **Introductions - Name and affiliation**

#### **Briefing on past year's events, current status of MEPDES Stormwater Program (Phase II) - D. Witherill, D. Ladd**

Don Witherill updated the group on the events of the past year. A stakeholder group was formed in June 2002. The plan was to develop a list of most-at-risk rivers and streams as well as updating standards and incorporating federal NPDES standards. This plan was quickly found to be too ambitious. It was decided that the stakeholder group would move forward only on federal standards. This would include general permits for construction and MS4's.

The construction general permit was issued on March 10, 2003. The permit period runs through July 2004.

There are 3 separate MS4 general permits. They are for municipalities, state/federally owned facilities and for transportation. The MS4 general permits should be issued on May 23, 2003.

**Review of Unresolved Issues from Round I:** Each of the following items was reviewed and questions/comments were taken about each topic.

- How "most at risk" and "sensitive or threatened" streams are identified
  1. Definition of most-at-risk, sensitive or threatened, and impaired?
  2. Would a list of most-at-risk streams become part of Chapter 302?
  3. Did your studies identify the contaminant(s) at issue?
  4. Is the data available for people to look at? The data from the 7% study. This data needs to be reviewed by another group.
  5. Are you looking at only aquatic life?
  6. Does the type of development matter?
- Quality standards for impaired streams

DEP is not satisfied with the 80% TSS standard. There may be a problem with missing the fine particles, which are of the greatest concern.

  1. Have you researched alternatives to the TSS standard?
  2. Would a change affect lakes as well?
  3. Whether discharge can be permitted at all to impaired waters is a broad and difficult issue.
- Quality standards for other "most at risk" streams

This was covered in the discussion of the first bulleted item.
- Quantity standards for streams
  1. When talking about quantity, you are also talking about quality. The peak flow standard is not adequate. It doesn't address volume changes that destabilize channels.
- Standards for significant discharges from existing development

- No questions/comments on this item.
- Maintenance of BMPs/Renewal of permits
  1. Was there any discussion of a monitoring requirement?
- Local management options for addressing sprawl issue
 

No questions/comments on this item.
- Fees; program administration
 

No questions/comments on this item.
- Other?
  1. What are your timelines/deadlines?
  2. For regulated MS4 communities, there may be an interest in having changes to Chapter 500 be sufficient to allow reference to Phase II for post-construction.
  3. What is the role of water quality monitoring, both before NOI and performance monitoring?
  4. For non-impaired streams with sensitive species, how does anti-degradation get reflected in the program?
  5. How is the obligation to provide public notice caught up in the West Coast case? Public notice is important for general permits.

### **Update on Stormwater Legislation**

Don explained that L.D. 1570 was approved last week by the Natural Resources Committee. The bill must still be passed by the full Legislature. There is a February 1, 2004 reporting requirement included in the bill. The bill as amended indicates that there may be draft rules by that time, but does not require provisionally adopted rules.

### **Stakeholder Process - Round 2;      Overview of Proposed Process - Stakeholder and Technical Work Groups**

- **What order should the issues be worked on?**

There was much discussion on variety of opinion as to how the unresolved issues should be grouped together and what topic(s) should be tackled first. There was agreement that the first issue to be taken up should be the criteria for identifying most-at-risk streams and what would be included on that list.
- **Who should participate on a technical work group?**

There was much discussion on whether there are issues that would best be handled by a technical work group. What issue(s) would the technical work group tackle? How large should a technical work group be? Is that the best way to resolve issues?
- **How often should each group meet in order to complete work by end of the year?**

After much discussion, it was decided that meetings would start out every 3 – 4 weeks, with more frequent meetings scheduled if it becomes necessary.

DEP will arrange for a presentation to the group at the next meeting. The presentation will include information on the method proposed to identify most-at-risk streams. The group asked that material be included to indicate the

definitions of most-at-risk, threatened/sensitive and impaired and what the differences between them are. Materials will be distributed to the group prior to the next meeting in order for everyone to have time to review the materials and be prepared to discuss and ask questions at the meeting.